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DEPARTMENT FOR WHA, WHA/CAR, INL, G/G/TIP

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SUBJECT: DOMINICAN TIP ACTION PLAN DELIVERED, PROGRESS A
MIXED BAG

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¶1. On August 30, poloff and human rights officer delivered reftel points and non-paper to Frank Soto, Assistant Attorney General for Smuggling and Trafficking of Persons. One week later, on September 6, WHA/CAR Director Velia de Pirro raised reftel points related to the need for increased victim support with the President of the Dominican Senate and ruling-party (PLD) General Secretary, Reinaldo Pared Perez. Reftel points were again made by de Pirro on September 7 to Dominican Attorney General Radhames Jimenez Pena and points and non-paper are scheduled for delivery by poloff and human rights officer to MFA coordinator for trafficking issues Radhys Abreu de Polanco later this week.

¶2. Responses to date suggest a degree of progress in the face of entrenched attitudes toward Haiti and minority populations resident in the Dominican Republic. A recent case reinforces the need for further engagement on this issue.

Responses

-- Soto

¶3. In response to points, Assistant AG Soto noted the March 2007 creation of a special victims' rights advocate within the Attorney General's office, as well as the recent opening of an women's assistance center for victims of violent crime.

The advocate and the center are charged with the coordination and/or provision of psychosocial services and legal assistance to female victims of crime, a group that includes trafficked women. Soto also referenced the July 2007 opening of a prevention and protection campaign for trafficking victims entitled "Call and Live" (Llama y Vive). The campaign, sponsored by the Ricky Martin Foundation, the Interamerican Development Bank, and the International Organization on Migration (IOM), promotes an existing (since February 2005) Spanish-language hotline that rings through to the Dominican Attorney General's Office Against Trafficking. The hotline, which provides callers with advice on how to avoid being trafficked and an opportunity to denounce trafficking activities, has received roughly 10 percent of its 31-month total call volume (200 total calls) since the beginning of the campaign (according to the IOM).

¶4. Regarding trafficking investigations and reftel points on prosecution of "corrupt officials," Soto noted that U.S. and Dominican conceptions of "officials" differ, so that Dominican authorities do not/would not receive appropriate credit from the Department for prosecuting high-ranking members of the national police. Soto did not detail any

prosecutions of "senior" civilian government officials this year, though his recollection of the overall number of trafficking cases prosecuted puts the Dominican Republic in line with figures governing the two most recent years. Recognizing that Dominican investigative journalists have suggested high-level complicity in the smuggling and possible trafficking of ethnic Chinese, Soto noted trafficking cases to be particularly difficult to investigate within ethnic communities, especially the local Chinese community, as language and cultural differences isolate victims within Dominican society and tend to interfere with the reporting of abuse.

¶15. In closing, Soto promised a thorough review of all points and continued work on prosecuting traffickers.

-- Pared Perez

¶16. Senate President Pared Perez reacted to a call for additional resources to be directed for the protection of victims and the prosecution of offenders by simply remarking that the United States should look toward Haiti. He then proceeded to conflate smuggling and trafficking. In an unrelated discussion, he went on to suggest that the nation was facing budgetary difficulties, implying that additional resources would not be forthcoming in the short term.

-- Jimenez Pena

¶17. While Attorney General Jimenez Pena agreed that efforts to combat trafficking were an important part of his overall agenda, he, too, appeared to confuse smuggling with trafficking, stating that there had been "many, many" prosecutions during the past year. This statement conflicts with the numbers given by subject-matter expert Soto and

reminds Post of the confusion that marked the initial submission of Dominican TIP statistics in the past year.

A Rescue Case Study

¶18. On August 28, Dominican authorities rescued 12 presumably undocumented Haitian women who, evidence suggests, were trafficked into the Dominican Republic by a German citizen for the purpose of producing pornographic images and videos for Internet distribution. The following day, an additional two women involved were rescued.

¶19. Immediately following rescue, the victims were placed in a National Police holding facility. They were still in police custody on August 30, when they each made statements describing their experiences to a Dominican judge for use in the prosecution of the alleged trafficker. That same day, poloff and human rights officer met with Soto, who suggested that as many as 2 or 3 of the victims would be allowed to stay in the Dominican Republic to provide live testimony at trial, while the others would be deported to Haiti (Soto having assumed a lack of proper documentation for all). The victims remained in custody through the conclusion of the following week, though by the end they had been transferred to a detention facility operated by Dominican migration authorities. Ultimately, 13 of the 14 (one had been shown to be a legal resident) were returned to Haiti through the offices of the IOM.

Conclusion

¶10. Progress on TIP in the Dominican Republic currently appears as a mixed bag. While there is a degree of prosecution, it has not yet included major trafficking figures of senior government officials who might be cooperating with them. Victims are held in jail (as they are typically illegally present in the country) rather than being released to NGOs or social service agencies for assistance

and counseling. While some victims' services are provided, they are provided in Spanish and are not geared toward the predominantly Haitian victims trafficked to the Dominican Republic. Post will continue to work these and other issues detailed in reftel in advance of the upcoming interim assessment.

BULLEN